

AUGUST 18, 2014

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan.

Absent: Barton, Creedon, Hazen.

Also present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

Regarding the minutes of the July 21, 2014 meeting, DiSessa amended the word *five* in the first sentence of the sixth paragraph on page four to read **four**. DiSessa amended the word *his* in the last sentence of the first paragraph on page seven to read **him**. DiSessa amended the last sentence in the second paragraph on page seven to read “. . . is vague regarding that type of signage, and should be **considered for updating**.”

MOTION was made by **HIGHT** to approve the minutes of the July 21, 2014 meeting, as amended.

SECONDED: WATTERS.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan.

Opposed: None.

Abstained: Vaezi.

MOTION was made by **VAEZI** to approve the minutes of the July 23, 2014 executive session, as written.

SECONDED: WATTERS.

Those in favor: Watters, Spender, Farino, Hight, Sams, Keggan, Mayor Tomaszewski, Vaezi.

Opposed: None.

Abstained: Drazek.

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MOTION was made by **WATTERS** to approve the minutes of the July 23, 2014 joint meeting with Township Committee, but having stricken from the record the two motions on page two of the minutes.

SECONDED: HIGHT.

Those in favor: Spender, Farino, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Vaezi.
Opposed: None.
Abstained: Drazek.

MOTION was made by **DRAZEK** to approve the resolution for Case #14-04, James & Natalie Deming, as amended.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan.
Opposed: None.
Abstained: None.

Case #14-05, Patrick McKelvie

Present for the applicant: Alan Lowcher, Esquire; Patrick McKelvie

MOTION was made by **DRAZEK** to deem the application complete.

SECONDED: VAEZI.

Those in favor: Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Vaezi.
Opposed: None.
Abstained: None.

McKelvie was sworn in by Edleston.

Lowcher described the subject property, and explained the applicant wish to renovate the existing Historical structure and construction an addition. Lowcher stated the existing structure is within the front yard setback.

McKelvie explained the subject property is in the Beattystown area of Mansfield, and was purchased on March 5, 2014. McKelvie explained they purchased the property for its affordability, and because his wife had grown up in the vicinity. McKelvie explained the structure is salvageable, but uninhabitable.

Entered as Exhibit A-1 – a set of 6 photographs taken of the existing structure

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Entered as Exhibit A-2 – elevation sketch

Entered as Exhibit A-3 – survey prepared by Allen Nichols, LLS

McKelvie stated they have considered demolition of the structure, but they appreciate the historical feel to the property. McKelvie explained they also own Lot 10, which is in the flood plain and has a 20 foot drop to the river. McKelvie stated they have removed the front porch in order to minimize the Route 57 impact.

Entered as Exhibit A-4 – area survey from 1998 by Eldon Allen, LLS

Vaezi stated it will be nice to see a property investment being made in the area. Vaezi asked if there is a NJ DOT right-of-way, and McKelvie replied there is a right-of-way. Vaezi asked if they had any concerns over the safety of the home given the proximity to the highway. McKelvie replied they were very familiar with the area, and they didn't have any great concern. Vaezi asked if there was a basement under the home. McKelvie replied the original home has a basement, but the new addition would be on a slab.

Keggan asked what would happen if the NJ DOT wanted to widen the road, and by approving the addition is the Township adding to the value of the home. Vaezi replied the issue of widening the road would be between the homeowner and the state. Keggan asked if McKelvie was using a builder, or constructing the addition himself. McKelvie replied he would be doing some of the work and also using a builder.

Watters asked if there was a shared driveway, and McKelvie replied there is a shared driveway.

Drazek asked if the property owners within 200' were noticed, and Lowcher replied they were.

The hearing was opened to the public for comments and questions. The hearing was closed given there were no comments or questions from the public.

MOTION was made by **MAYOR TOMASZEWSKI** to approve the front yard setback variance for Case #14-05, Patrick McKelvie, subject to conditions.

SECONDED: WATTERS.

Those in favor: Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Lowcher explained the applicant would like to proceed with the zoning permit process prior to the adoption of the resolution.

MOTION was made by **WATTERS** to allow the applicant for Case #14-05, Patrick McKelvie to proceed with the zoning permit process prior to the adoption of the memorializing resolution in the case, and the process would be at the applicant's own risk.

SECONDED: HIGHT.

Those in favor: Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Vaezi.

Opposed: None.

Abstained: None.

Case #14-07, Yusen Logistics (Americas) Inc.

There was no one present to represent the applicant

DiSessa recommended the application be deemed complete. DiSessa stated there were plan changes recommended, and hopefully the revised plans would be received prior to the next meeting.

MOTION was made by **WATTERS** to deem the application for Case #14-07, Yusen Logistics (Americas) Inc. complete.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Vaezi.

Opposed: None.

Abstained: None.

Case #13-04, Robert & Susan Messick

Present for the applicant: Robert & Susan Messick

Robert and Susan Messick were sworn in by Edleston.

Edleston stated, in an effort to save escrow dollars, there wasn't a review report generated. Edleston explained the application was essentially addressing an existing ECHO housing unit on the property.

R. Messick explained the trailer houses his 84 year old, 100% disabled father. Messick stated the trailer is a four-season cottage trailer on wheels, and stated it would be removed once his father no longer needed it. Messick stated his father has been in and out of the VA hospital many times within the last year, and currently nurses and doctors visit him at the trailer.

Messick further explained his father's home **at** the shore was demolished during the two storms, one of which was super storm Sandy. Messick stated the placement of the trailer cannot be changed, because his septic field is behind his home and water and electric delivery would be prohibitive. Messick stated the septic waste is removed every three months by a designated company. Messick stated the trailer would be returned to the manufacturer within ten (10) days of his father's demise.

Messick further related the trailer is located on the only flat spot on the property, and is actually on the driveway. Messick stated the veteran's organization is in the process of constructing a ramp for wheelchair access to the trailer.

Drazek asked why the father doesn't reside in the home. Messick replied his father is a private person, and the trailer gives him a sense of independence. Messick stated his father was still driving in 2011.

S. Messick stated he has his own space and privacy, but there is a monitor system from the trailer to the home.

DiSessa stated the action by the board would be to approve a front yard setback variance, and the temporary ECHO housing unit.

The hearing was opened to the public for comments and questions.

Guillermo Morales of 276 Valley Road stated he understood the trailer would be removed within ten (10) days of Mr. Messick's demise, but how would that be monitored. Messick replied he would supply the documentation of his father's demise. Edleston stated the same would be true even if the father had to be moved to a skilled facility on a permanent basis. S. Messick stated the trailer would be removed if the father no longer could live there permanently. Edleston stated it would be up to the applicant to notify the Township of a permanent change.

The hearing was closed to the public given there were no further comments or questions.

MOTION was made by **MAYOR TOMASZEWSKI** to grant the front yard setback variance for Case #13-04, Robert & Susan Messick, and to further grant approval of the temporary ECHO housing unit in compliance with the ECHO housing Ordinance, and subject to removal of the unit within ten (10) days of the father's demise.

SECONDED: WATTERS.

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Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Vaezi.

Opposed: None.

Abstained: None.

Case #11-07, Garden Solar, LLC

Present for the applicant: Warren Wilson, Esquire

Wilson reported the applicant is in their final resolution compliance stage, but there was a language mistake made that wasn't discovered until recently. Wilson stated the applicant anticipates proceeding to construction by the end of the year, and wanted to clear up the language mistake. Wilson stated the site itself will actually be constructed somewhat smaller than approved given technology improvements that make the operation more efficient.

Wilson explained on page four of the resolution, the word *minimum* in the first sentence should actually read **maximum**. Wilson stated the balance of the resolution remains the same with no other changes.

MOTION was made by **VAEZI** to authorize the correction of the word *minimum* on page four of the resolution, and in the first sentence of item A., to read **maximum**.

SECONDED: SPENDER.

Those in favor: Spender, Vaezi.

Opposed: None.

Abstained: None.

DiSessa reminded Wilson there is a Land Disturbance Permit application to be filed prior to breaking ground.

William S. Reed of 95 Harts Lane expressed concern over the plan submitted by the Yusen Logistics (Americas) Inc. applicant. Reed expressed concern over outside improvements completed at the site without prior approvals, and feels they will just receive a rubber stamp. Reed stated he would like to see the water drainage issue they created addressed. Reed explained there are two swales on the property but only one functions. Reed stated he actually fixes the drainage swale to attempt to help the problem.

Sams explained the pavement that changed the drainage was prior to the most recent asphalt overlay done by the applicant.

Reed stated the trucks also block the right-of-way to his property. Reed gave a brief history behind the use of the property.

Regarding the resolution for the Warren County Board of Chosen Freeholders, Edleston indicated there were a couple of amendments necessary.

MOTION was made by **WATTERS** to approve the amended resolution for Case #14-06, Warren County Board of Chosen Freeholders with the inclusion of the indemnification clause and the reciprocal easement agreement being included.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan.

Opposed: None.

Abstained: None.

A brief discussion was held regarding the settlement agreement with The Meadows at Mansfield, LLC that was the result of special joint meeting held July 23, 2014. Edleston explained his recollection regarding the settlement, and the percentage of fees to be absorbed by the Township. Edleston explained a few members have mentioned they thought 65% across the board was the agreement. After further research, the numbers agreed upon by the Land Use Board and the Township Committee was to absorb 80% of the Township Engineer's fees, and 65% of the building and inspection fees.

Edleston explained if the board didn't agree with the numbers, the applicant would have to be notified and further discussion held. Edleston stated the Appellate Court wants an answer.

MOTION was made by **WATTERS** to amend the resolution to reflect 65% absorption of the fees by the Township.

SECONDED: HIGHT.

Further discussion took place regarding the impact of the difference in fees from 65% to 80%.

In light of the relatively minimal amount of the monetary difference in the fee percentages,

MOTION was made by **WATTERS** to withdraw the above motion.

The **SECOND** was **withdrawn** by **HIGHT**.

MOTION was made by **WATTERS** to rescind his prior motion approving the minutes of the July 23, 2014 joint meeting with the Township Committee, but having stricken the two motions on page two of the minutes. Watters included in this motion to approve the minutes by reinserting the two motions, and to approve the minutes, as written.

SECONDED: HIGHT.

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Those in favor: Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **SAMS** to authorize the Township Committee to pay the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Vaezi.

Opposed: None.

Abstained: None.

Drazek mentioned the Environmental Commission would like to receive copies of applications that might be of interest to them. Zotti replied that copies would be put in their mailbox if there were extra, but there were always copies on file in the Township Clerk's office available for review.

DiSessa mentioned The Shoppes at Mansfield applied for a zoning permit to allow for the construction of a small loading dock to the rear of the strip center to accommodate Pet Value. DiSessa explained that Pet Value would be relocating to this mall from the Kohl's shopping center. DiSessa stated he informed the owner, Steve DeMattheis, that it would be a one-time only change, and not available to other tenants without further review.

Hight expressed concern over setting a precedent for others. Edleston agreed that a precedent could be set in this matter. DiSessa stated the owner of the shopping center is the one making application, and not a tenant. Edleston suggested having the center owner submit something in writing that this would be a one-time exception because of the timing of the tenant taking possession of the space.

MOTION was made by **HIGHT** to authorize DiSessa to send a letter to The Shoppes at Mansfield owner reciting the above restrictions, and to approve a one-time installation of an open loading dock to the rear of the tenant space, and to restrict further improvements without prior site plan approval.

SECONDED: SPENDER.

Those in favor: Farino, Drazek, Hight, Sams, Keggan, Watters, Spender, Vaezi.

Opposed: Mayor Tomaszewski.

Abstained: None.

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Watters asked that the board be copied by the above letter generated by DiSessa.

Edleston reported the Township is going to try to collect the outstanding escrow fees owed by The Meadows at Mansfield, LLC for the application they submitted for the solar facility, but never proceeded with.

The Chairman adjourned the meeting at 9:36 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Amended)